



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR SARGEANT COASTAL PERMIT AND DESIGN REVIEW

Item No:	C4	Application No:	CP 08-11 and DR 08-10
Applicant:	JSWD Architects	Owner:	Barbara Sargeant
Property Address:	12555 Sir Francis Drake Blvd. Inverness	Assessor's Parcel:	114-111-02
Hearing Date:	January 16, 2008	Planner:	Veronica Corella

RECOMMENDATION:	Approved with Conditions
APPEAL PERIOD:	5 working days to the Planning Commission
LAST DATE FOR ACTION:	January 31, 2008

PROJECT DESCRIPTION:

The applicant is requesting Coastal Permit and Design Review approval to construct a new two-story 3,499 square foot single-family residence, with a detached 540 square foot garage on the 2.03 acre lot. As proposed, the residence would result in a floor area ratio (FAR) of 4.5 percent. The residence would attain a maximum height of 24 feet, 10 inches above grade and the following approximate setbacks from corresponding property lines: front (east) 198 feet, side (north) 60 feet, rear (west) 35 feet, and side (south) 108 feet. The detached garage would attain a maximum height of 14 feet, 8 inches above grade and the following setbacks from corresponding property lines: side (north) 53 feet and rear (west) over 40 feet. Also proposed are two retaining walls. One would be located to the north of the residence, approximately 20 feet from the northern property line and attain a height of 7 feet, 4 inches. The second retaining wall would be near the driveway entrance and would have a height of approximately 9 feet, 9 inches and face Sir Francis Drake Road. The existing driveway will remain and be improved to conform to Marin County Fire requirements, with two turnouts, and finished with a concrete overlay. There would be 8 Douglas-fir and one Tan oak tree removed that are less than 6 inches in diameter, and 3 Red alder trees that are less than 10 inches in diameter.

GENERAL INFORMATION:

Countywide Plan:	C-SF3 (Coastal Single-family, 1 unit/ 1-5 acres)
Zoning:	C-RSP-0.25 (Coastal Single-family Residential Planned, 1 unit/0.25 acres)
Lot size:	5.21-acres (226,947 square feet)
Adjacent Land Uses:	Residential
Vegetation:	Mixed conifer and hardwood
Topography and Slope:	Moderate to steeply sloping lot
Environmental Hazards:	None identified

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines because it entails construction of a single family residence which will not result in substantial tree removal or grading which would result in significant adverse effects on the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan and the Inverness Ridge Community Plan. Please refer to the plan consistency findings contained in the attached resolution.

PROJECT ANALYSIS:

Site Description

The proposed new residence is located 198 feet to the west side of Sir Francis Drake and is accessed via an existing driveway that contours the slope for approximately 525 feet. Currently there is a pier and timber retaining wall at the entrance of the driveway. The applicant proposes to expand the retaining wall for another 22 feet and have a maximum height of approximately 9 feet, 9 inches. A retaining wall of this size is needed in order for the driveway to have the required turning radius for Marin County Fire.

The property is moderately to steeply sloped and the proposed residence is located to the rear (west) of the property with large setbacks to property lines. The eastern portion of the property is heavily wooded with Douglas-fir between 2 to 12 inches in diameter with the area near the retaining wall being comprised of Red alder, blackberry, and sword fern. Directly below the house there are over 12 Douglas-fir that range between 15 to 30 inches in diameter, which have very little to no understory and no limbs in the lower portion of the bole. To the rear and sides of the residence the vegetation is mostly Bay laurel, Toyon, and Tan oak, with some areas having heavy underbrush. The proposed residence would be sited on a relatively level portion of the property, in an area that had been previously graded.

Botanical and Wildlife Resources

The proposed project was reviewed for listed species on the California Natural Diversity Database (CNDDDB, 2007) and the California Native Plant Society (CNPS) on-line inventory of rare and endangered plants of California. A list of special plant species that occur in the Inverness USGS quadrangle was reviewed and a list of potential species prepared by a qualified botanist and a site visit conducted. The list included only one Federally listed species, the Sonoma alopecurus (*Alopecurus aequalis* var. *sonomensis*), and there were no California listed species. Of the plants on the potential species list, very few occur in the existing habitat type and soil conditions. Furthermore, the site has already been graded and the probability that any special status plants would occur within the developed area is highly unlikely. During the site visit, no special status plant species were found and the biologist concluded that no additional surveys were needed due to the above listed reasons.

A list was also prepared for special status wildlife species by evaluating the habitat and researching known occurrences based on a review of the CNDDDB. Most of the species on the list are associated

with salt marsh habitats and/or the Lagunitas Creek in the southern end of Tomales Bay. There were two-documented Northern Spotted Owl (*Strix occidentalis caurina*, NSO) sitings within 0.63 and 0.819 miles. The NSO is a federally listed Threatened Species, and protected under the Migratory Bird Treaty Act (50 CFR§ 10.13), and a California listed Species of Special Concern, with the eggs, nest, and young being protected under § 3503.5 of the California Fish and Game Code.

The Wildlife Biologist conducted a site visit and determined that the parcel contains marginal NSO habitat, since it lacks a dominant conifer component and dense multilayered canopies that provide some natural nest cavities and dead and downed woody material. Based on experience, the wildlife biologist concluded that the removal of the proposed trees would not likely trigger concern for the impacts to NSO resulting from this project, since NSO sheltering, feeding and roosting habitats are not likely to be impacted by the project, and nests found on site, showed no evidence of use by NSO in 2007. No attempt was made to determine if NSO might be in the vicinity since the visit was near the end of the protocol season for the species.

During the site visit several sizable bay laurel trees were found with heart rot that could provide suitable maternity or roosting sites for bats. Five species of bats are reported to occur within the area, of which four have potential to occur in the bay laurel trees on site, along with several non-listed bat species. A qualified bat specialist was contacted for consultation, and a recommendation was made that if the client wishes to remove any of the existing bay laurels, then both a daytime and nighttime emergence survey must be conducted and should be followed no later than 24-48 hours with tree removal to avoid re-occupancy. The applicant is not proposing to remove any of the bay laurels, and staff has recommended a condition of approval preventing the existing trees from being removed.

Cultural Resource Analysis

A cultural resource study was conducted for the subject property for the purposes of identifying and recording any prehistoric and historical-era cultural resources, to make preliminary evaluations of such resources and to recommend procedures for avoidance or mitigation of adverse effects to potentially significant resources. Based on the study there are two recorded sites near the proposed project, yet during a site survey conducted by the consultant no prehistoric or historic-era cultural resources were identified, nor was there any evidence of the previously recorded sites.

Visual Analysis

The proposed residence is only visually prominent from APN 114-083-08, whose residence is located within 10 feet of the side property line. From Sir Francis Drake Road the residence will be well screened with existing vegetation, and will be unobtrusive since it is proposed with colors and materials that are of earth tone colors and in keeping with the natural environment. Staff has proposed as a condition of approval, that the applicant submit a revised landscape plan that shows additional landscape screening along the northern property line, upslope from the proposed retaining wall to the north of the residence.

CONCLUSION

Overall, staff finds that the proposed single-family residence has been designed to be architecturally compatible with the surrounding community, and utilizes exterior building materials and colors that blend into the natural environment, and the proposed residence has been sited appropriately to not adversely affect views, light or privacy of adjoining properties, and will result in a minimal amount of vegetation removal.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution conditionally approving the Sargeant Coastal Permit and Design Review.

Attachments:

1. Proposed Resolution recommending approval of the Sargeant Coastal Permit (CP 08-11) and Design Review (DR 08-10)
2. CEQA Exemption
3. Location Map
4. Site Plan
5. Cover Sheet
6. Residential Driveway and Site Development, Sheet C1
7. Driveway Profile, Sheet C2
8. Overall Site Plan, Sheet A1.0
9. Local Site Plan, Sheet A1.1
10. Ground Floor Plan, Sheet A2.0
11. Second Floor Plan, Sheet A2.1
12. Roof Plan, Sheet A2.2
13. Exterior Elevations, Sheet A3.0
14. Exterior Elevations, Sheet A3.1
15. Exterior Elevations, Sheet A3.2
16. Building Sections, Sheet A4.0
17. Retaining Wall Elevations, Sheet A4.1
18. Exterior Details, Sheet A6.0
19. Landscape Plan, Sheet L1.1
20. Enlarged Landscape Site Plan, Sheet L1.2
21. Exterior Colors and Materials Sample
22. Biologist Report, dated 9/17/07
23. Wildlife Research Associates, Bat Roosting Habitat Constraints Analysis, prepared 9/7/07
24. Inverness Association Architectural Review Committee, email sent 10/09/07
25. Cultural Resource Study, prepared 10/23/07
26. Environmental Health Services – Sewage, transmittals sent 12/19/07
27. North Marin Water District, letter sent 12/14/07
28. Department of Public Works - Land Use and Water Resources, memo sent 11/15/07
29. Marin County Fire Department, email sent 01/08/08
30. Marin County Fire Department, email sent 01/15/08
31. JSWD Architects to CDA, email sent 1/14/08
32. Staff Photos
33. Revised Residential Driveway and Site Development, Sheet C1
34. Revised Driveway Profile, Sheet C2
35. Revised Overall Site Plan, Sheet A1.0

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

A RESOLUTION APPROVING THE SARGEANT COATAL PERMIT (CP 08-11) AND DESIGN REVIEW (DR 08-10)
ASSESSOR'S PARCEL 114-111-02
12555 SIR FRANCIS DRAKE, INVERNESS

SECTION I: FINDINGS

- I. WHEREAS the applicant, JSWD Architects, has applied on behalf of the owner, Barbara Sargeant for a Coastal Permit and Design Review approval to construct a new two-story 3,499 square foot single-family residence, with a detached 540 square foot garage on the 2.03 acre lot. As proposed, the residence would result in a floor area ratio (FAR) of 4.5 percent. The residence would attain a maximum height of 24 feet, 10 inches above grade and the following approximate setbacks from corresponding property lines: front (east) 198 feet, side (north) 60 feet, rear (west) 35 feet, and side (south) 108 feet. The detached garage would attain a maximum height of 14 feet, 8 inches above grade and the following setbacks from corresponding property lines: side (north) 53 feet and rear (west) over 40 feet. Also proposed are two retaining walls. One would be located to the north of the residence, approximately 20 feet from the northern property line and attain a height of 7 feet, 4 inches. The second retaining wall would be near the driveway entrance and would have a height of approximately 9 feet, 9 inches and face Sir Francis Drake Road. The existing driveway will remain and be improved to conform to Marin County Fire requirements, with two turnouts, and finished with a concrete overlay. There would be 9 Douglas-fir and one Tan Oak tree removed that are less than 6 inches in diameter, and 3 Red alder trees that are less than 10 inches in diameter. The subject property is located at 12555 Sir Francis Drake, Inverness, and is further identified as Assessor's Parcel 114-111-02.

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on January 31, 2008 to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.

- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 because it entails construction of a single family residence, retaining wall, and garage on a residentially zoned property that would not result in adverse environmental impacts.

- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the **Marin Countywide Plan** for the following reasons:
 - A. The construction of a new single-family residence is consistent with the C-SF3 (Coastal, Single-family, 1 unit/1-5 acres) land use designation.

- B. The project complies with Marin County standards for flood control, geotechnical engineering, and seismic safety, and includes improvements to protect lives and property from hazard;
- C. The project results in development which conforms to the governing standards related to building height, size and location;
- D. The project complies with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works;
- E. The project will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and,
- F. The project minimizes soil disturbance and maximizes protection of natural vegetation.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the policies contained in the **Inverness Ridge Community Plan** due to the following factors.

- A. The project would involve the construction of a new single-family residence, garage and retaining walls, which are a principally permitted use under the governing zoning district, and therefore, would be compatible with surrounding residential uses.
- B. The project would be architecturally consistent with its surroundings, is not unsightly in design, and would not create substantial disharmony with its locale and surroundings.
- C. The residence would have adequate water facilities, utilities, protective services (fire, police), and a roadway network currently exists to serve the project.
- D. It will not impact recreational opportunities in the area because staff has determined that the subject property is not located in an area where public access to recreational facilities is desirable or feasible.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the **Coastal Permit** (Section 22.56.130I of the Marin County Code) because this project would meet the requirements and objectives of the Local Coastal Program, Unit II as specified below:

A. Water Supply

The North Marin Water District has reviewed the project and indicated that they are able to provide adequate domestic and fire protection water supply to the subject property provided that the owner enter into a financial agreement regarding upgrades to the distribution facilities that will be needed.

B. Septic System Standards

The Marin County Department of Environmental Health Services has indicated that the applicant has submitted an application for a Class I sewage disposal system which must be reviewed and approved prior to building permit approval.

C. Grading and Excavation

Grading and excavation would be limited to the minimum amount necessary for trenching and excavation to accommodate the proposed foundations. Conditions of project approval require that construction activities conform to the Department of Public Works erosion and sediment control requirements established in Marin County Code §23.08.

D. Archaeological Resources

The proposed project is located within an area of high archaeological sensitivity. The applicant has provided a Cultural Resource Report in which a site visit was conducted and during which no prehistoric or historic-era cultural resources were found on the parcel. The standard conditions of approval have been applied to the project which will require that, in the event that cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures.

E. Coastal Access

This finding is not applicable. The subject property is not located between the sea and the first public road or adjacent to a coastal area identified by the Local Coastal Program, Unit II, where public access is desirable or feasible. During routine field inspection, staff found no evidence of historic public use of this site, and found that the site is not located near any tidelands or submerged lands subject to the public trust doctrine.

F. Housing

The proposed project, entails construction of a new single-family residence, on a vacant lot and would increase the availability of housing stock in Inverness.

G. Stream Conservation Protection

This finding is not applicable. The project site is not situated in an area subject to the streamside conservation policies as identified on the National Resources Map for Unit II of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Inverness Quadrangle of the United States Geological Survey.

H. Dune Protection

This finding is not applicable. The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit II of the Local Coastal Program.

I. Wildlife Habitat

A biologist report was prepared for the site and a list of potential species was prepared. The list was compiled by evaluating the habitat and researching known occurrences based on a review of the California Natural Diversity Database (CNDDDB). Most of the species on the list are associated with salt marsh habitats and/or the Lagunitas Creek in the southern end of Tomales Bay. There were two-documented Northern Spotted Owl (*Strix occidentalis caurina*, NSO) sightings within 0.63 and 0.819 miles. The NSO is a federally listed Threatened Species, and protected under the Migratory Bird Treaty Act (50 CFR§ 10.13), and a California listed Species of Special Concern, with the eggs, nest, and young being protected under § 3503.5 of the California Fish and Game Code. The Wildlife Biologist conducted a site visit and determined that the parcel contains marginal NSO habitat, since it lacks a dominant conifer component and dense multilayered canopies that provide some natural nest cavities and dead and downed woody material. Based on experience, the wildlife biologist concluded that the removal of the proposed trees would not likely trigger concern for the impacts to NSO resulting from this project, since NSO sheltering, feeding and roosting habitats are not likely to be impacted by the project, and nests found on site, showed no evidence of use by NSO in 2007. No attempt was made to determine if NSO might be in the vicinity since the visit was near the end of the protocol season for the species.

J. Protection of Native Plant Communities

The proposed project was reviewed for listed species on the California Natural Diversity Database (CNDDDB, 2007) and the California Native Plant Society (CNPS) on-line inventory of rare and endangered plants of California. A list of special plant species that occur in the Inverness USGS quadrangle was reviewed and a list of potential species prepared by a qualified botanist and a site visit conducted. The list included only one Federally listed species, the Sonoma alopecurus (*Alopecurus aequalis* var. *sonomensis*), and there were no California listed species. Of the plants on the potential species list, very few occur in the existing habitat type and soil conditions. Furthermore, the site has already been graded and the probability that any special status plants would occur within the developed area is highly unlikely. During the site visit, no special status plant species were found and the biologist concluded that no additional surveys were needed due to the above listed reasons.

K. Shoreline Protection

This finding is not applicable. The project site is not located adjacent to the shoreline or within a bluff erosion zone.

L. Geologic Hazards

The project site is not located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program, and is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map.

M. Public Works Projects

This finding is not applicable. The proposed project does not entail expansion of public roads, flood control projects, or utility services.

N. Land Division Standards

The subject parcel is a legal lot of record. No land division or property line adjustment is proposed as part of this project.

O. Visual Resources

The height, scale and design of the proposed single-family residence, garage, and retaining walls are compatible with the character of the surrounding environment. The proposed development would be sited so that it would not obstruct public views from roads or adjacent properties, and would be screened by existing vegetation. In accord with Marin County Code Section 22.56.130(O), a condition of approval requires that all utility lines serving the project site be placed underground.

P. Recreation/Visitor Facilities

This finding is not applicable. The proposed project would not provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses.

Q. Historic Resource Protection

The project site is located outside of the historic preservation boundaries for Inverness as identified in the Marin County Historic Study for the Local Coastal Program.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the following mandatory findings to approve a **Design Review** application (Marin County Code Section 22.82.040) for the following reasons:

The project is consistent with the required findings because the single-family residence, detached garage and retaining walls would result in structures of a height, mass, and bulk proportionately appropriate to the site and would provide adequate setbacks from property lines and other buildings on the subject and surrounding properties. Construction of the single-family residence would conform to a principal permitted use in the C-RSP-0.25 (Coastal, Residential Single-family Planned, 1 unit per 0.25 acres maximum density) zoning district, which governs the subject property and would be situated solely on the subject property. Existing vegetation on-site would adequately screen the structures from off-site locations, and would enhance the privacy of the occupants of the subject and surrounding properties. The proposed structures would be constructed using materials and colors, non-reflective and subdued in nature, to better blend with the surrounding natural environment. The single-family residence, garage and retaining walls would minimize drainage alterations, grading and excavation, tree removal and other adverse physical effects on the natural environment. Finally, the design of the single family residence, garage and second unit would be compatible with that of other houses in the vicinity, would respect the surrounding natural environment, and would not diminish views from surrounding properties.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Sargeant Coastal Permit (CP 08-11) and Design Review (DR 08-10) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56 (Coastal Permit) and 22.82 (Design Review) of the Marin County Code, the Sargeant Coastal Permit and Design Review are hereby approved and authorizes the construction of a new two-story 3,499 square foot single-family residence, with a detached 540 square foot garage on the 2.03 acre lot. As proposed, the residence will result in a floor area ratio (FAR) of 4.5 percent. The residence will attain a maximum height of 24 feet, 10 inches above grade and the following approximate setbacks from corresponding property lines: front (east) 198 feet, side (north) 60 feet, rear (west) 35 feet, and side (south) 108 feet. The detached garage will attain a maximum height of 14 feet, 8 inches above grade and the following setbacks from corresponding property lines: side (north) 53 feet and rear (west) over 40 feet. Also proposed are two retaining walls. One will be located to the north of the residence, approximately 20 feet from the northern property line and attain a height of 7 feet, 4 inches. The second retaining wall will be near the driveway entrance and will have a height of approximately 9 feet, 9 inches and face Sir Francis Drake Road. The existing driveway will remain and be improved to conform to Marin County Fire requirements, with two turnouts, and finished with a concrete overlay. There will be 8 Douglas-fir trees and one Tan oak tree removed that are less than 6 inches in diameter, and 3 Red alder trees that are less than 10 inches in diameter. The subject property is located at 12555 Sir Francis Drake, Inverness, and is further identified as Assessor's Parcel 114-111-02.
2. Plans submitted for a building permit shall substantially conform to plans entitled, "Francis Drake House," consisting of 16 sheets, prepared by JSWD Architects, received October 31, 2007, and on file in the Marin County Community Development Agency with revisions dated January 3, 2008 and received January 22, 2008.
3. Approved exterior materials shall substantially conform to the color board identified as "Exhibit B" entitled, "Francis Drake House," received August 29, 2007 by the Community Development Agency.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide the Planning Department with a revised Site Plan for review that documents all trees to be protected as required by Condition 6, and all trees to be removed.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the first sheet of the office and job site copies of the Building Permit plans to list these Coastal Permit and Design Review Conditions of Approval as notes.
6. BEFORE ISSUANCE OF A BUILDING OR GRADING PERMIT, the applicant shall submit a report prepared by a licensed arborist which shall provide an evaluation of the trees that meet the definition of a "protected" tree in Chapter 22.27 of the Marin County Development Code and shall, at a minimum, indicate the health of the trees in this area, and appropriate Tree Protection Zones for trees that would remain on the property.
7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide the Planning Department with a report and survey provided by Wildlife Research Associates documenting the location of trees that may provide habitat value to bat species. These trees shall be protected using the tree protection measures specified in Condition 6 and 9, and shall not be removed.
8. Only those trees shown on the site plan as proposed to be removed, may be removed. Any future proposed tree removal shall be submitted to the Marin County - Planning Division for review and approval prior to removal, and must be done in compliance with the provisions contained in the Marin County Native Tree Preservation and Protection Ordinance (Marin County Ordinance 3291), and/or to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, and to reasonably prevent safety hazards to people and property.
9. BEFORE ISSUANCE OF A BUILDING OR GRADING PERMIT, the applicant shall submit photographs to the Community Development Agency, which indicate the installation of temporary construction fencing around the dripline of the existing trees in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation identified for protection in Condition 6 and 7 during construction and shall remain until all construction activity is complete. No construction activity (including grading, access, materials storage, and soil stockpiling) shall occur within the dripline of these trees. In the event these trees are accidentally removed or permanently damaged, they shall be replaced with 24-inch boxed trees of the same species on a two-to-one basis.
10. The applicant shall retain the services of a licensed arborist or landscape architect to inspect the project site during construction activities and certifies the adequacy of the protective fencing installed. All site development construction practices shall be in accord with the recommend guidelines contained in the required arborist's report. The applicant shall comply with recommendations made by the licensed professional with respect to tree protection during construction activities, general tree care practices, and long-term vegetation management to ensure continued viability of the site's native vegetation.
11. BEFORE ISSUANCE OF A BUILDING PERMIT, the landscape plan shall be revised to include a minimum of two trees that shall be planted along the northern property line, to the west of the retaining wall. The trees shall be planted in strategic location to minimize the visual impacts to the adjacent residence. The trees shall be native to Marin County, evergreen, and a minimum box size of 24 inches.
12. BEFORE ISSUANCE OF A BUILDING PERMIT, the drainage plans shall be modified to feature onsite infiltration of impervious surface runoff wherever feasible.
13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community

Development Agency staff. Exterior lighting visible from off site shall be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.

14. BEFORE APPROVAL OF THE FRAMING INSPECTION for all structures, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the building conforms to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Alternatively, the applicant may install a story stud that clearly indicates the maximum building height through height increments that are marked on the stud and preapproved by the Building and Safety Inspection staff before installation or request that the Building and Safety Inspection staff measure the plate heights for conformance with the approved plans.
15. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Certified" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.
16. All construction activities shall comply with the following standards:

Construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
17. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
18. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

19. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
20. The owners hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of the Hope Coastal Permit, Design Review and second Unit Permit, for which action is brought within the applicable statute of limitations.
21. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Department of Public Works, Land Development

22. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide plans that show all design and construction recommendations from the April 12, 2007 PJC and Associates geotechnical investigation for the property.
 - a. Replace part of the existing retaining wall at the driveway entrance using drilled piers.
 - b. Grading and earthwork as per Item 11, Page 10
 - c. Driveway retaining wall foundations as per Item 14, Page 14
 - d. Retaining walls as per Item 15, Page 15
 - e. Drainage as per Item- 19, Page 17
 - f. Concrete pavements as per Item 20, Page 18
23. BEFORE ISSUANCE OF A BUILDING PERMIT, the plans shall be reviewed and approved by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
24. BEFORE ISSUANCE OF A BUILDING PERMIT, provide more detail on the drainage under the direction of the geotechnical report. Specifically address foundation drainage, retaining wall drainage, drainage from the driveway, and steep slope drainage. Note that no direct discharge from the driveway is allowed onto Sir Francis Drake Blvd.
25. BEFORE ISSUANCE OF A BUILDING PERMIT, provide details on plans for the 12 inch culvert at the first driveway switchback and the 15 inch culvert and plans to eliminate erosion where the drainage swale leaves the property.
26. BEFORE ISSUANCE OF A BUILDING PERMIT, provide more detail on the driveway turnouts. Turnouts shall be required on driveways over 150 feet in length or if sight distance problems exist unless the driveway is at least 16 feet in width (MCC 24.04.275). The turnouts shall be no less than 18 feet wide (full driveway width) and 60 feet long including transition.
27. BEFORE ISSUANCE OF A BUILDING PERMIT, show that the driveway turnaround slopes do not exceed 8%.
28. BEFORE ISSUANCE OF A BUILDING PERMIT, provide documentation that the driveway turnaround design has been reviewed and approved by the Fire Department.

29. BEFORE ISSUANCE OF A BUILDING PERMIT, a registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
30. BEFORE ISSUANCE OF A BUILDING PERMIT, provide more design information for all retaining walls. Show extent, location and heights of retaining walls on the site plan. Also provide structural cross section references on the site plan.
31. BEFORE ISSUANCE OF A BUILDING PERMIT, a separate building permit is required for site/driveway retaining wall with a height more than 4 feet or 3 feet when backfill area is sloped or has a surcharge.
32. An Encroachment Permit shall be required for work within the road right-of-way of Sir Francis Drake Blvd. Any permanent structure (such as retaining walls required by the geotechnical engineer) within the county right-of-way at the driveway entrance shall require a Recorded Encroachment Permit.
33. Submit Erosion and Siltation Control plans. Plans shall indicate total acreage of site disturbance. If there is greater than one acre of site disturbance, a Notice of Intent (NOI) shall be filed with the San Francisco Bay Regional Water Quality Control Board.

North Marin Water District

34. BEFORE ISSUANCE OF A BUILDING PERMIT, the owner must apply to the District and enter into a financial agreement with the District for the construction of new water distribution facilities.

Environmental Health Services

35. BEFORE ISSUANCE OF A BUILDING PERMIT a Class 1 sewage disposal system permit must be approved by EHS.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Sargeant Coastal Permit (CP 08-11) and Design Review (DR 08-10) approval by obtaining a Building Permit for the approved work and substantially completing all work before **January 31, 2010**, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Sections 22.56.120I and 22.82.130I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on February 7, 2008** .

SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 31st day of January, 2008.

JOHANNA PATRI, AICP

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary